



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, June 28, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Halliday.

ROLL CALL

Present: COUNCIL MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBER None

PUBLIC COMMENTS

Mayor Cooper announced that Item 9, Consideration of Removing Nuclear Free Signs would not be considered this evening.

Mayor Cooper congratulated and commended Public Works Director Butler on his retirement after many years of service to the City.

Ann Seitz, a resident of Hayward since 1985, noted that she is a member of the Tri-Valley Communities Against a Radioactive Environment, and spoke on nuclear weapon activities at the Lawrence Livermore Laboratory. She distributed copies of a report on the amount of spending by the Department of Energy on nuclear weapons activity. She emphasized that the signs related to nuclear free Hayward are not moot symbols of a bygone age, but a reminder of the Livermore Laboratory activities and use of materials that could impact communities within a 50 mile radius.

BOARDS AND COMMISSIONS

1. Confirm Appointments of New Youth Commissioners/Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated June 28, 2005, was filed.

It was moved by Council Member Ward, seconded by Council Member Halliday, and carried unanimously, to adopt the following:

Resolution 05-082, "Resolution Appointing Members to the Youth Commission"

City Clerk Reyes administered the oath of office.

DRAFT

CONSENT

Consent Items 4 and 5 were removed for separate discussion and vote.

2. Approval of the Minutes of the Special Joint City Council/Redevelopment Agency Meeting of June 21, 2005

It was moved by Council/RA Member Henson, seconded by Council/RA Member Ward, and carried unanimously to approve the minutes of the City Council Meeting of June 21, 2005.

3. New Sidewalk Construction 2002-03 - Ruus Road: Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated June 28, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 05-083, "Resolution Awarding Contract to AJW Construction Paving and Concrete for the New Sidewalk Construction 2002-03 – Ruus Road Project, Project No. 5178"

4. Authorization for the City Manager to Execute a Commercial Aviation Site Lease with Career Aviation Sales, Inc., at the Hayward Executive Airport

Staff report submitted by Airport Manager Shiner, dated June 28, 2005, was filed.

It was moved by Council Member Halliday, seconded by Council Member Quirk, and carried unanimously, to adopt the following:

Resolution 05-085, "Resolution Authorizing the City Manager to Execute a Commercial Aviation Site Lease with Career Aviation Sales, Inc."

5. Hayward Executive Airport Improvements: Approval of Addendum and Award of Contract

Staff report submitted by Deputy Director of Public Works Bauman, dated June 28, 2005, was filed

It was moved by Council Member Halliday, seconded by Council Member Quirk, and carried unanimously, to adopt the following:

Resolution 05-086, "Resolution Approving Addendum No. 1, Reducing the Low Bid and Awarding Contract to O'Grady Paving for the Hayward Executive Airport Improvements Project, Project Nos. 6818, 6821, 6830, 6833, 6839, 6841, and 6842"



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6. Approval of Assignment Agreement from Hayward 1900 to Stonebrae, L.P. and HSBC Realty Credit Corp.

Staff report submitted by City Manager Armas, dated June 28, 2005, was filed.

It was moved by Council Member Henson, seconded by Council Member Ward, and carried unanimously, to adopt the following:

Resolution 05-084, "Resolution Approving the Assignment and Assumption Agreement for the Blue Rock Country Club Project"

HEARINGS

7. Introduction of Ordinance and Adoption of Resolution Related to the 2004 California Electrical Code

Staff report submitted by Building Official Herman, dated June 28, 2005, was filed.

Building Official Herman made the report, recommending the introduction and adopting 2004 Edition of the California Electrical Code. She noted that there are no changes to the administrative provisions offered by the Internal Code Council. She responded to Council Member Henson's question related to any future changes related to technology, noting that new provisions were implemented to accommodate high tech equipment in homes.

There were no requests to speak. Mayor Cooper opened and closed the public hearing at 8:19 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 05-087, "Resolution Finding and Determining the Need for Changes or Modifications to the California Electrical Code, 2004 Triennial Edition"

Ordinance 05-_, "An Ordinance to Be Known and Designated as the Electrical Code of the City of Hayward; Regulating the Installation, Alteration, Repair, and Maintenance of Electrical Wiring, Electrical Fixture, and Other Electrical Appliances and Equipment; Providing for the Issuances of Permits and Collection of Fees; and Repealing Ordinance No. 02-16 and All Amendments Thereto"

8. Site Plan Review PL-2004-0435 and Vesting Tentative Map Tract 7563 PL-2004-0436 – Request to Construct 56 Condominium Residences Under Density Bonus Provisions - The Olson Company – The Property is Located at 25599 Huntwood Avenue

Staff report submitted by Associate Planner Emura, dated June 28, 2005, was filed.

Principal Planner Patenaude made the report, noting that the proposed project consists of 56 condominium units, presented the recommendations, and responded to Council questions. In regards to the questions related to the tandem parking concept, City Manager Armas stated that a discussion is scheduled for the fall.

In response to Council Member Dowling's regarding the history of the site, staff noted that hazmat staff is reviewing this issue. Council Member Dowling also asked about sidewalks.

In response to Council Member Henson's question Principal Planner Patenaude depicted the various guest parking areas and the dedicated ADA compliant spaces in the project new requirements take effect on July 1. Council Member Henson asked about the recent new density bonus law.

Council Member Quirk commented on the aerial view and asked for an explanation why housing is designated in this area. He asked about the additional noise that sound walls will create and the impacts to outside the development. He asked the developer to discuss the requirement of the air conditioning. He agreed with the comments from his colleagues and the Planning Commission related to the colors.

Principal Planner Patenaude stated that noise studies have not been done and noise has not been an issue.

Council Member Halliday expressed concern with current uses and if there would be a potential conflict if future housing was projected. Principal Planner Patenaude explained that there would be some requirements such as an administrative use permit.

Council Member Jimenez was assured by staff that proper notification of the public hearings for both the Planning Commission and City Council were completed

Mayor Cooper opened the public hearing at 9:04 p.m.

Joseph Bradford, Project Manager for the Olson Company, introduced the project architect, civil engineer as well as the Regional President of the Olson Project, and stated that this is their fifth project in the City. He showed an updated version of the virtual animation and a PowerPoint presentation of the project that was presented at the Planning Commission. He noted that this would be a gated community, showed the arbors in the project and depicted the wall along Harder Road. He asked for direction on the design of the tot lot. He indicated that color variations have been added in response to the Planning Commission's comments and shared a palette of colors that will be used. He summarized that there are 15 guest parking spaces in the complex and two of the spaces are ADA compliant and pointed them out on the elevations. He described the unit plans and depicted the cul-de-sac with an arbor. He responded to Council questions, noting that the air conditioning will be a standard, and the



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alleys will be enhanced architecturally. In light of the noise concern from neighboring industrial uses, he noted that the trucks in the neighboring property are parked in the building. He reported that a community meeting was held, but no one showed up. He discussed SB 1029 impacts.

Council Member Ward expressed concerns regarding the landscaping proposal related to preventing graffiti on the wall and that quality mature adequate landscaping be considered.

City Manager Armas stated that discussions will occur in the fall related to tandem parking and the State Density Bonus Law.

Council Member Quirk commented that this is a good job and the Olson Company, commendable and advised the developer to work with staff to how best to serve the new residents.

Council Member Dowling suggested that the courtyard include park benches. He felt that this was a good project.

Council Member Halliday expressed her concerns with the view from Harder Road. She preferred to see a tot lot for this project to accommodate young families with children, noting that there are nearby parks that could accommodate teenage activities as basketball courts. She was complimentary of the inner court design. She felt that staff has worked with the developer to make the project as presentable as possible.

Mayor Cooper felt that the look or appearance should be more finished. She felt that it would be nice to ask the new residents to determine what they'd like constructed. She offered it as a suggestion.

Mayor Cooper closed the public hearing at 9:35 p.m.

There was consensus with Mayor Cooper's suggestion to have input from the new residents of the development. It was noted that there is a basketball court at the western end of the development, the green belt is nearby, and a nearby HARD park has been improved.

Council Member Dowling asked that staff and the developer consider adding the condition of air conditioning as a standard. It was affirmed.

Council Member Henson would support the motion, but had some concerns on the need to provide for those residents with ADA needs and how the density bonus ordinance would impact this development. He felt that the Mayor's suggestion was an excellent one to wait until the residents are there. Overall it is a good project and asked that the developers take a look at the colors to make them more vibrant.

Council Member Ward suggested staff add a condition for the completion of the tot lot or exercise area within a reasonable timeframe.

Council Member Halliday noted that the home owners association most likely would be making the

determination and suggested staff require the developer to set aside monies for this purpose in the conditions of approval.

It was moved by Council Member Quirk, seconded by Council Member Ward, and unanimously carried to adopt the following with a recommendation to work with staff for additional tones and colors and to explore the appropriate use for the community recreation area during construction, and provide opportunity for the new residents on how it will be developed.

Resolution 05-088, "Resolution Approving the Mitigated Negative Declaration, Mitigation Monitoring Program, Site Plan Review Application No. PL 2004-0435, and Vesting Tentative Map Tract 7563 PL 2004-0436 of the Olson Company (Applicant)"

LEGISLATIVE BUSINESS

9. Consideration of Removing Nuclear Free Signs (*Continued from 6/21/05*)

Staff report submitted by City Manager Armas, dated June 28, 2005, was filed.

Council Member Ward reported that it was his request to place this on the agenda and now it was his decision to have it removed from future consideration.

This ordinance will not be considered:

Intro Ordinance 05-_, "An Ordinance of the Hayward City Council Reaffirming Its Commitment to Remain a Nuclear Free Zone"

10. Selection of Mayor Pro Tempore

Staff report submitted by City Clerk Reyes, dated June 28, 2005, was filed.

Council Member Ward commented that the information provided in the staff report is the rotation process as determined previously by Council. It was not his intention to change the rotation as set by Council, but to make a one-time exception. He acknowledged that he is in line to be the next Mayor Pro Tempore, but requested support from his colleagues in the nomination of Council Member Matt Jimenez for this year and next year return to the rotation process as adopted previously by Council to the next Council Member in line.

Mayor Cooper opened and closed the opportunity for public input at 9:45 p.m. with no requests to speak.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried, with Council Member Jimenez abstaining, to adopt the following resolution to elect Council Member Jimenez as Mayor Pro Tempore:



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Resolution 05-089, "Resolution Authorizing the Election of Mayor Pro Tempore of the City of Hayward for 2005-2006"

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:47 p.m. with Council Member Henson adjourning in memory of Al Reynolds, an individual who frequently attended Council meetings and ended his comments with, "Are there any questions?" Mr. Reynolds was an active resident of the Eden Gardens Neighborhood, former editor of the neighborhood association newsletter, a member of the local ham radio operators unit, and a member of 880/92 Advisory Committee.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward